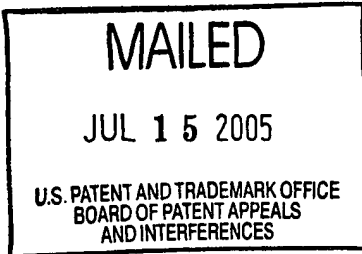


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL CARROLL

Application 09/416,536

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on July 7, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

On page 2 of the Examiner's Answer mailed August 12, 2004, the examiner listed the following reference under the heading "(9) Prior Art of Record":

5,664,127	Anderson et al	9-1997
-----------	----------------	--------

It is noted that the Wilcox reference cited on page 4 of the Examiner's Answer under the heading "(10) Grounds of Rejection"

Application 09/416,536

is not included as "Prior Art of Record." In accordance with § 1211 of the Manual of Patent Examining Procedure (MPEP) (Eighth Edition, Rev. 2, May 2004), clarification is required regarding the pertinence of the Wilcox reference. In addition, MPEP § 1208(A)(9) states:

(A) REQUIREMENTS FOR EXAMINER'S ANSWER.
The examiner's answer is required to include under appropriate headings, in the order indicated, the following items:

. . . .

(9) References of Record. A listing of the references of record relied on, and, in the case of nonpatent references, the relevant page or pages.

If appropriate, compliance with MPEP § 1208(A)(9) is required in listing the Wilcox reference under the heading "Prior Art of Record" appearing in the Examiner's Answer mailed August 12, 2004.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) for clarification under MPEP § 1211 regarding the pertinence of the Wilcox reference listed on page 4 of the Examiner's Answer mailed August 12, 2004;

Application 09/416,536

- 2) if appropriate, for compliance with MPEP § 1208(A)(9) by listing the Wilcox reference in a Supplemental Examiner's Answer under the heading "References of Record"; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

CRAIG FEINBERG
Program and Resource Administrator
(571) 272-9797

CF/psb

Pillsbury Winthrop Shaw Pittman, LLP
P.O. Box 10500
McLean, VA 22102